

EXHIBIT 13

Murphy, Michael D.

From: Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Sent: Thursday, April 10, 2025 11:42 AM
To: Murphy, Michael D.
Cc: Beral, Arash; Zollicoffer, Jordan
Subject: [EXT] Re: Meet & Confer re: Expert depo

Michael,

This will confirm that, while we arrived at 10:30, you have tried to fault us for not seeing an email you sent while we were in transit. Rather than being at or coming to the conference room (after being notified of our arrival by your front desk), you just came to the conference room to argue with the witness as to his \$700 fee, which he asked you to confirm you'd pay. You left to get the check rather than begin taking his deposition (with the check being drawn after we finished), after leaving the conference room with the documents not already in your possession and referenced in Mr. Engel's report.

Regards,
Todd

Sent from my iPhone

On Apr 10, 2025, at 11:21 AM, Malynn, Todd M. <Todd.Malynn@blankrome.com> wrote:

Mike,

We arrived at your offices as you requested. You have Mr. Engel's reasonable hourly rates. If you choose to proceed with Mr. Engel's position, that is the reasonable rate. Given that your prior and current law firm have paid expert hourly rates before, including Mr. Engel's hourly rates, there is no dispute as to reasonableness.

You also have his expert report. It was served with Defendants' disclosures. I don't know what the holdup is.

Given that you did not subpoena Mr. Engel for deposition or provide any notice that you wanted to even take his deposition prior to the discovery conference, there is no prejudice due to the inadvertently omitted rate sheet, which you now have.

Regards,
Todd

Sent from my iPhone

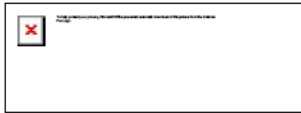
On Apr 10, 2025, at 10:12 AM, Murphy, Michael D.
<mdmurphy@foxrothschild.com> wrote:

As I see it, my obligation now is to pay a reasonable fee. As such, I will agree to pay a reasonable fee.

I have been given no expert report though. How do I know what is reasonable when I haven't even seen an expert report?


The failure to identify a fee also subjects all of this to Rule 37(c)(1). We may consider also just striking him as a result. But I am entitled to his deposition anyway.


What do you recommend?



Michael Murphy

Partner

 (213) 213-1211

 (310) 974-2271 (cell)

 mdmurphy@foxrothschild.com

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From: Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Sent: Thursday, April 10, 2025 10:04 AM
To: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Cc: Beral, Arash <arash.beral@blankrome.com>; Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>
Subject: [EXT] RE: Meet & Confer re: Expert depo

Mike, I was not aware that this had fallen through a crack. Attached please find Jason's hourly rates.

Please confirm that you will have a payment ready for Mr. Engel today if you choose to proceed with his deposition.

Regards,
Todd

Todd M. Malynn | BLANKROME
2029 Century Park East | 6th Floor | Los Angeles, CA 90067
O: 424.239.3469 | M: 310.595.0271 | F: 424.389.7610 |
todd.malynn@blankrome.com

From: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Sent: Thursday, April 10, 2025 9:44 AM
To: Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Cc: Beral, Arash <arash.beral@blankrome.com>; Zollicoffer, Jordan
<JZollicoffer@foxrothschild.com>
Subject: RE: Meet & Confer re: Expert depo

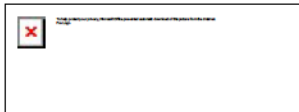
Mr. Malynn:

We have been in a bit of a quandary re expert deposition fee.

Where in the disclosure is Mr. Engel's rate stated?


If you do not see what I do not see anywhere in the disclosure, am I not relieved of the obligation to pay that rate? Please advise.


Thanks



Michael Murphy

Partner

 (213) 213-1211

 (310) 974-2271 (cell)

 mdmurphy@foxrothschild.com

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From: Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Sent: Monday, April 7, 2025 6:16 PM
To: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Cc: Beral, Arash <arash.beral@blankrome.com>; Zollicoffer, Jordan
<JZollicoffer@foxrothschild.com>
Subject: [EXT] RE: Meet & Confer re: Expert depo

Michael,

So the record is clear, we were directed to meet and confer today regarding Mr. Engel's availability for deposition this week. Accordingly, I called you and provided a date and time when Mr. Engel is available this week. You informed me you were available to take his deposition at that date and time and would notice his

deposition accordingly. There is no "agreement," just this sequence of events. I will advise Mr. Engel that you would like to take his deposition in person at your office (you did not indicate whether your notice would be requesting personal appearance or deposition by zoom). Please take note of Mr. Engel's hourly rate and be prepared with a check for his preparation, travel and deposition time.

Regards,
Todd

Todd M. Malynn | BLANKROME
2029 Century Park East | 6th Floor | Los Angeles, CA 90067
O: 424.239.3469 | M: 310.595.0271 | F: 424.389.7610 |
todd.malynn@blankrome.com

From: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Sent: Monday, April 7, 2025 6:07 PM
To: Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Cc: Beral, Arash <arash.beral@blankrome.com>; Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>
Subject: RE: Meet & Confer re: Expert depo

Todd:


As per our agreement today, Engel will appear for a deposition on Thursday beginning at 10 am. Please advise him of our office address. We will be serving formal notice tomorrow.


Thanks



Michael Murphy

Partner

 (213) 213-1211

 (310) 974-2271 (cell)

 mdmurphy@foxrothschild.com

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Cc: Beral, Arash <arash.beral@blankrome.com>; Zollicoffer, Jordan

<JZollicoffer@foxrothschild.com>

Subject: [EXT] Meet & Confer re: Expert depo

Michael, what time today are you available to discuss Jason Engel's deposition?

Regards,

Todd

Todd M. Malynn | BLANKROME

2029 Century Park East | 6th Floor | Los Angeles, CA 90067

O: 424.239.3469 | M: 310.595.0271 | F: 424.389.7610 |

todd.malynn@blankrome.com

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